

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Enrique Lara,

Civ. No. 22-2285 (JWB/LIB)

Petitioner,

v.

ORDER

Jarid Rardin, *Warden; Federal Medical
Center,*

Respondent.

This matter is before the Court on the Report and Recommendation (“R&R”) by United States Magistrate Judge Leo I. Brisbois dated July 10, 2023. (Doc. No. 10.) Petitioner has filed an objection to the recommendation that this Court deny his petition without prejudice. (Doc. No. 13.)

The Court reviews the portions of the R&R to which Petitioner objects *de novo* and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b)(3). When a party fails to file specific objections to an R&R, *de novo* review is not required. *See Montgomery v. Compass Airlines, LLC*, 98 F. Supp. 3d 1012, 1017 (D. Minn. 2015) (observing that objections to an R&R that “are not specific but merely repeat arguments presented to and considered by a magistrate judge are not entitled to *de novo* review, but rather are reviewed for clear error”). The Court reviews any aspect of an R&R to which no specific objection is made for clear error. *Grinder v. Gammon*, 73 F.3d 793, 795 (8th

Cir. 1996); *see also* Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). Because Petitioner is *pro se*, his objections are entitled to liberal construction. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

The Court has reviewed Petitioner’s objections to the July 10, 2023 R&R. Petitioner’s objections do not identify any error of law or fact that warrant rejecting the recommendations in the R&R. And, after carefully reviewing all other portions of the R&R not specifically objected to, the Court finds that it is neither clearly erroneous nor contrary to law. Based on that review, and in consideration of the applicable law, the Court accepts the R&R in its entirety.

IT IS HEREBY ORDERED that:

1. Petitioner Enrique Lara’s Objections to Magistrate’s Report and Recommendations (Doc. No. 13) are **OVERRULED**;
 2. The Report and Recommendation (Doc. No. 10) is **ACCEPTED**;
 3. Petitioner Enrique Lara’s Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Doc. No. 1) is **DENIED**;
 4. Petitioner Enrique Lara’s Motion for Status of Petitioner’s 28 U.S.C. 2241 (Doc. No. 9) is **DENIED AS MOOT**; and
 5. This action is **DISMISSED WITHOUT PREJUDICE**.
- LET JUDGMENT BE ENTERED ACCORDINGLY.**

Date: September 26, 2023

s/ Jerry W. Blackwell

JERRY W. BLACKWELL

United States District Judge